IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4294 OF 2004

Nivrutti Sitaram Asolkar .. Petitioner
Vs.
Asoli Gram Vikas Mandal .. Respondent.

Mr.S.G.Karandikar for the petitioner.

CORAM : D.B.BHOSALE, J.

DATED : 23RD FEBRUARY, 2005

P.C.:

. Heard Mr.Karandikar, learned counsel for the petitioner.

2. By this writ petition, the petitioner has impugned order dated 14.2.2001 by which the Court directed to issue notice to the plaintiff and the advocate for the defendant for proceeding with hearing of the suit. It appears that the suit was stayed by the same Court vide its order dated 29.6.1992 in view of the proceedings pending under the provisions of Bombay Tenancy and Agricultural Lands Act. Mr.Karandikar, learned counsel for the petitioner submits that those proceedings are still pending before the Revenue Authorities after remand by this Court and, therefore, the suit cannot proceed

in view of the earlier order dated 29.6.1992. It would not be appropriate for this Court to pass any order. In my opinion, appropriate course would be direct the petitioner to bring it to the notice of the trial Court that the writ petition which was pending in this Court has been disposed of and the matter is remanded and, therefore, those proceedings are now pending before the revenue authorities. If such application is made before the trial Court, the trial Court may consider the same in accordance with law and pass appropriate orders. With the above observations writ petition is disposed of.

(D.B.Bhosale, J.)